

SUPPLEMENTARY REPORT: CR75-646

SUBJECT: Homicide: ROBERTSON, Shelley Kay

DATE: February 23, 1976 through

February 23, 1976, Denning attended the trial of Theodore Robert Bundy in the case of the State of Utah vs. Mr. Bundy. The charge in this case is aggravated kidnapping. Bundy waived his right to a jury trial and the trial is being held before Judge Stewart Hanson, Jr. in the Salt Lake City District Court, room 310 of the old courthouse. The Salt Lake District Court docket number is 28629. This is a first degree felony and the alleged felony took place November 8, 1974. Mr. Bundy entered a plea of not-guilty.

First motion of the defense was to have all witnesses sequestered. The trial proceeded with Mr. David E. Yocum, the Salt Lake County attorney giving the opening statement for the State. The following is a summary of Mr. Yocum's opening statement. He states that Carol DeRonch, 18, the victim in the case, was the victim of an attempted kidnapping at the Fashion Place Mall in Murray, Utah. This is between the 6100 block south and the 6400 block south. The facts of the case indicate that while Miss DeRonch was looking in the window at the mall of Walden's bookstore, she was approached by Mr. Bundy who identified himself as a police officer. He indicated that her car had possibly been broken into and requested that she return to the car with him to ascertain whether or not anything was missing. Her car was parked west of Sears and south of the main mall. It was a Camero, a Chevrolet. (It is interesting to note at this point that Karen Campbell, the victim in the Aspen homicide, had just left a bookstore where she had purchased magazines. She'd gone from the bookstore into the hotel in which she was staying, got on the elevator, and was never seen alive again.) Miss DeRonch went to the car with Mr. Bundy, opened the driver's door, as he was standing beside her, checked the vehicle, and ascertained that nothing was missing. He requested she open the right hand door, but she declined. He then requested that she return to Fashion Place Mall to sign a complaint against the car prowler. He had led her to believe that other policemen were holding the subject inside the mall. They returned to the mall looking for the alleged car prowler. When they got back to the mall he stated, "They must have taken him to the station" and requested that Miss DeRonch accompany him (Bundy) to the station to sign a complaint. As they were walking to Mr. Bundy's car they stopped at a laundromat directly across the street from Fashion Place Mall where Mr. Bundy tried an unmarked door at the laundromat. He then walked part way down the alley adjacent to the laundromat, then returned. At this point he stated, "I guess they took him to the Murray Police Department". By this time the victim was becoming suspicious and she asked to see his identification. He displayed a small silver seal. They then went to the Bundy vehicle, a light colored Volkswagon, which was parked facing east on the street directly in front of the laundromat. When Miss DeRonch got to the Bundy vehicle she noticed: 1) the back seat was torn, 2) there were seat belts in the vehicle, 3) there was something soft in the front seat.

Miss DeRonch got into the vehicle with Mr. Bundy who made a U-turn and requested she put her seat belt on. She declined. She claims Bundy drove her to the McMillan elementary school at 5000 south and 3rd East street. At this point he pulled to the curb, grabbed her with his right hand and placed the handcuffs on her left arm. At this point he had said nothing

and she began struggling very hard. He pulled a small caliber hand gun and said, "I'll blow your head off". Miss DeRonch continued to struggle and got out on the curb side of the vehicle with Mr. Bundy following her. At this point he put his right arm around her neck. During the struggle it is believed that Miss DeRonch scratched Mr. Bundy. Mr. Yocum states that she saw the pry bar which was about 18" long and had six or eight sides. (That is, it was octagon in shape). She ran back in front of the vehicle waving her arms and yelling for help. It was at this point that she was picked up by Mr. and Mrs. Wilbur Walsh. It is unknown what Bundy was doing during this period of time. Mr. and Mrs. Walsh took the DeRonch girl to the Murray police department where she met with Officer Gary Peterson. Peterson used his handcuff key to remove the cuffs from Miss DeRonch. Later he returned to the scene and found one of her shoes. Officer Rete, Murray City Police Department, attempted to lift prints from the cuffs, but was unsuccessful. Later, Miss DeRonch found blood on the rear of her car and on one sleeve of her coat. She reported this back to Murray P.D. who had the blood analyzed and found it to be Type O. There was insufficient quantity to determine an Rh factor. On August the 16th, 1975, Bundy was stopped by Sgt. Bob Hayward, of the Utah Highway Patrol. It was approximately 2:30 a.m. under suspicious circumstances. Hayward obtained a consent to search and found some very suspicious items in Bundy's vehicle including a pair of handcuffs and a wrecking bar. Bundy explained it was, "just junk". Later, as a result of this contact, Detective Jerry Thompson of the Salt Lake City Sheriff's Office, obtained a consent to search of the premises of Mr. Bundy, Bundy's apartment, and also his '68 Volkswagon. It was at this time that he observed a rip in the back seat and the rust spots on the vehicle, which matched the description given by Miss DeRonch. Miss DeRonch's first description of Bundy had included the fact that her assailant was wearing patent leather shoes. Thompson found patent leather shoes in Bundy's apartment. On September 1, 1975, she was shown 26 pictures of possible assailants, and she picked Bundy as a possible candidate. The photograph shown to Miss DeRonch was a driver's license photograph which had been taken later than the November 8th incident. Ira Beale of the Bountiful Police Dept., later showed Miss DeRonch an older photograph and she made a positive identification from that photograph. On October 2, 1975, Miss DeRonch picked Bundy from a line-up at the Salt Lake City Sherriif's office. It was noted that he had changed his appearance at this time including the cutting of his hair. This concluded the prosecution's opening statement.

Next, the defense made their opening statement by Mr. John O'Connell. The bulk of his statement hinged on discrediting the DeRonch girl's testimony. Mr. O'Connell stated that it was apparent to him that Miss DeRonch was immature, inobservant, had a loss of memory, and was very submissive to authority. He stated that her statement to the Murray Police Dept. was very vague; further, that she is the type of person who spends a lot of time looking down (i.e. she was able to identify shoes and pants but didn't know whether or not the subject had a mustache). He went on to state that she had picked look-alike photos. Later she was contacted by Detective Bob Kepple of the King County Police Dept. in Washington, who told her Bundy was wanted in King County, Washington. He states Kepple discussed this with her and this suggested to Miss DeRonch that they were on the trail of a, "hot suspect". Concerning the August 16th arrest he states that there were suspicious circumstances and that Officer Ben Ford of the Murray Police Dept. obtained a consent and took pictures of the Bundy vehicle. On August the 21st these photos were turned over to the Bountiful Police Dept. to show the witness. She was unable to make an identification September 21st. He went on to state that he believed the officers then approached Miss DeRonch with extremecare and implied that Thompson first showed the

pictures of the VW to her and then Bundy and suggested that they were on the trail of a, "hot suspect". After showing her the pictures of the vehicle and discussing the case with her, O'Connell suggests that this was enough to intimidate the DeRonch girl into making an identification of Bundy. He states that apparently the DeRonch girl handed back the stack of pictures to Thompson after she had picked Bundy's picture out and put it in her lap. When Thompson asked, "Why did you pick that out?" Miss DeRonch's reply was, "I suppose it looks closer than other photos". Three days later Thompson and Bountiful Police Dept. show another set of photos and again receive a tentative I.D. (September 4th). O'Connell states during this period of time Carol was constantly being reminded that the police have a, "hot suspect".

It was at about this time that Bundy had incurred bills for his legal defense and school expenses and discussed the matter of selling his car with O'Connell. O'Connell states he made the usual fix-up repairs in order to sell the vehicle. He put chrome rings on the wheels, fixed the torn back seat and did some touch up work on the body. On September 8th Miss DeRonch was taken to view the car and identified it anyway and O'Connell states that this was, "an obvious forced idea". On October 2nd she was shown pictures of Bundy and the car and O'Connell said she made a tentative identification strictly by association and by suggestion of the police officers. He went on to state that he did not believe that the police officers directly suggested that she make the identification but inferred that they had conveyed their enthusiasm of the hunt to Miss DeRonch. On October 1st another search warrant was obtained by Detective Thompson and Bundy's apartment was again searched. By this time he had changed apartments. The Volkswagon was sold September 19th. O'Connell states, "This is solely an eye-witness case". He infers that the blood type is next to worthless since a large portion of the male population has type O blood and there was not even enough to determine an Rh factor further expanding the field of potentials. O'Connell states that it is not surprising that she could not recognize her assailant due to the fact that she had observed him for a total of approximately fifteen minutes. During the first thirteen or fourteen minutes of this contact there was no reason for her to believe that he was going to commit a felony. He cited the example of persons observing suspects in bank robberies as compared to this incident.

He went on to state that witnesses for the defense will testify that Bundy does not wear patent leather shoes, that Miss DeRonch would testify that Bundy had his hair greased and that defense witnesses would say that this was not Bundy's style. He went on to state that he would produce witnesses showing that Bundy was not known to have worn a mustache.

O'Connell stated that although Bundy had no cold alibi, that on the date in question he had had vehicle trouble and the vehicle was indeed not at the Fashion Place Mall. He went on to state that there was a very simple explanation for the burglary tools (crow-bar and handcuffs) that were in his vehicle August 16th. He stated that the officers went through, "lots of junk" in order to come up with those suspicious items.

He went on to cite that Salt Lake City Sheriff's Dept. was moving on the case but apparently nothing had been done by the Murray Police Dept. for quite some time.

O'Connell summed his case stating that he would show that the police were conveying their, "sense of closing in" to the DeRonch girl.

The first witness for the prosecution was Sgt. Paul Forbes of the Murray City Police Dept. On direct examination Forbes testified concerning the location of the Fashion Place Mall. He marked the location of various stores including Sears, Castleman's, the Walden book store, Skaggs drugs, etc. He testified that McMillan school was approximately 1.8 miles from the laundromat. This was later proved to be an error by O'Connell who had apparently measured the distance before. He requested that Sgt. Forbes re-measure the distance during his lunch hour and testify after lunch as to the proper distance. Forbes did so and testified after the lunch break that the distance was between .5 and .6 miles. Evidence for the prosecution was as follows:

- Exhibit 1 - diagram, Fashion Mall Shopping Center
- Exhibit 2 - aerial photographs, Fashion Mall Shopping Center
- Exhibit 3 - diagram, Fashion Mall Shopping Center
- Exhibits 4 through 19 - pictures of the entrances, etc., at the center.

At this point Mr. O'Connell vordired concerning the evidence. O'Connell made the point that the pictures were not a likeness of the scene during the time of the crime. He pointed out that the pictures were taken during the daytime and the incident had occurred in the evening hours. It was then approximately 12:00 noon and the court broke for lunch until 1:30 p.m.

After lunch Deputy D.A. Yocum continued direct examination of Sgt. Forbes. Only a few questions were asked which were of a minor nature regarding the difference in the night and day pictures.

Cross examination was initiated by defense attorney O'Connell. O'Connell questioned Forbes concerning the fact that he had taken the DeRonch girl to look at a stolen Volkswagon at a place of storage, the fact came out that she didn't identify that Volkswagon but stated, "that it looked somewhat like it". O'Connell pointed out that this Volkswagon was light blue in color. He questioned Forbes in the matter of what he had sent to the FBI concerning an earring and some hair. He pointed out that there were not any FBI agents testifying as to what or what was not found out from the results of that examination. He then cross examined Forbes in relationship to another suspect who was found lurking behind trees with handcuffs.

On re-cross, Yocum, "knocked out" the suggestion of the other suspect stating that he did not at all fit the description given by Miss DeRonch. This concluded Sgt. Forbes' initial testimony.

Carol DeRonch was called as a second witness for the State's case. Miss DeRonch, on direct examination, states she was now 19 years old, that she had been 18 at the time of the incident and that she was employed as a typist for Mountain Bell Telephone Company. On November 8, 1974, Miss DeRonch stated she was working from 9:00 a.m. to 6:00 p.m. and that after work on the evening in question, she went home for about 20 to 30 minutes and then went to the Fashion Place Mall. It was pointed out this would have

placed her there at approximately 7:00 p.m. Miss DeRonch went on to state she went through Sears at Fashion Place Mall, indicating the route on one of the diagrams that she had taken to the bookstore. She states she stopped and visited with her cousin in the corridor and also a friend, Joline Turner. She then walked to the bookstore, was standing in front of it, when a man approached her and face to face asked if she had a car parked near Sears. She stated she did. He then asked her license plate number and she gave it to him. The party stated to her that the vehicle had been broken into. He asked her to accompany him to the car at this point. She was asked at this point if the assailant had identified himself as a police officer. Her reply was, "I think so". She was asked about the lighting at the scene and she replied that it was well lit including the corridors. She was questioned in regards to the conversation going to the car. She replied they had little. When they got to Miss DeRonch's vehicle she stated nothing appeared to be unusual and the assailant then told her, "they were holding a man inside the mall who had been attempting to get inside her vehicle". She was requested to accompany her assailant back to the mall, which she did. She stated that it was, "her belief he said he was a police officer". They then left the mall, supposedly enroute to the police station to identify the suspect. Miss DeRonch stated she was following him on his left and they were walking fast towards Skaggs. They went past Skaggs to the laundromat to an unmarked door on the side of the laundromat. The assailant tried the door, but it was locked. He then went down the alley about half way. He turned and came back. It was at this point Miss DeRonch asked to see the suspect's badge. He pulled a wallet of a bi-fold type, and displayed a silver badge. He requested that she sign a complaint and she said "O.K.". She described her assailant as being about six foot, slim, greased hair back on his forehead, wearing a mustache, approximately to the corners of his mouth. Miss DeRonch was questioned concerning what happened then. She stated she went to Bundy's car, got in and observed the tear in the rear seat. She also observed the vehicle had no front plate and her impression was that it was a light color - light beige. She states there was a tear on the top of the rear seat. Suspect then requested that she put on her seat belt and she replied, "No, I don't want to." His response was, "O.K." Yocum asked, "What was in your mind?". DeRonch's reply was she wasn't sure then, he was a stranger. She was questioned in regard to any conversation they might have had while they were driving. She replied, "None". She indicated the route they had taken on the diagram and indicated a place near the McMillan school where the suspect had pulled over. She noted that the wheels went up on the curb. At this point she said, "What are you doing, why are you stopping?" Suspect grabbed her arm and put on the handcuffs on her left arm. Miss DeRonch stated she had previously seen the cuffs in the interior pocket of his jacket. Suspect took her left arm and put the cuffs on. At this point she was struggling and trying to get out of the vehicle. Miss DeRonch states suspect put his right arm around her neck. She went on to say that he pulled a gun and said, "I'll blow your head off." The gun was pointed at her and he still had a hold on her arm. As she struggled out of the vehicle on the right hand side the suspect slid across the seat and followed her out the door. They were facing each other at this point and the suspect had a bar in his hand. Miss DeRonch was scratching at him, she states. The bar had four sides or six sides according to Miss DeRonch. She indicated that the suspect had the bar in his hand (her indication by movement showed that it would be left hand.) Miss DeRonch stated her impression was it was a crow bar. She had seen one before as her father owned one. She states she broke loose from his hold at this point and ran out in front of the VW, stopped the Walshes, and was then taken to the police station. Miss DeRonch states she was hysterical at the time when

she was picked up but recalls asking them to take her to the police station. The Walshes took Miss DeRonch to the Murray City Police Dept.

A break was called at this time by the court.

Direct examination continued. In the following order the subsequent events took place: 1) an officer removed the handcuffs, 2) then she gave a statement to the officers giving a description of the assailant. She recalls that the assailant was wearing patent leather shoes. She had been watching him walk. She looked at photographs (apparently Murray's mug shot book) and later looked at more photographs. She saw about eight or nine pictures at the initial contact and after looking at more photographs that evening and ~~at~~ one more time at a later date. This was about three or four times all total that she looked at photographs. Deputy D.A. Yocum had her identify the pictures of the car, the VW. He asked, "How many photographs did you look at". She stated she did not know the number and he questioned her, "More than a hundred?", answer, "Yes". "~~More~~ than a thousand?", answer, "No". Apparently while going through the photographs an attempt to reconstruct an image of her assailant, the officers showed her photographs requesting that she pick, "look alikes". That is, they requested she try to determine the type of hair he had, etc. Shortly thereafter she testified, Detective Jerry Thompson showed her photographs, probably eight or nine, and that she picked out one and laid it on her lap, handing the rest back to Detective Thompson. The photograph she laid in her lap was Theodore Robert Bundy.

She states that she later picked Bundy out of a line-up and was quite positive about identification. It was noted at the line-up that his hair was shorter and he didn't have a mustache at that time. ~~When~~ questioned on his manner of speech, Miss DeRonch replied that he was polite and seemed well educated. The jacket she had been wearing that evening was introduced into evidence and Miss DeRonch identified it. It is a black jacket with white fur collar and cuffs. Miss DeRonch testified that she had found blood on the back of the ~~car~~ and the sleeve approximately three days after she had reported the incident to the Murray Police Dept.

Defense Attorney O'Connell proceeded with his cross examination of Miss DeRonch. Mr. O'Connell questioned Miss DeRonch in reference to when she had told the police that her assailant was well educated. It came out that it was prior to September of 1975. He then attempted to find discrepancies in her description of the badge which her assailant had displayed. She had described the badge as being silver and oval shaped initially. At the preliminary hearing, apparently, she had stated it was silver and blue. O'Connell then went on to bring out the fact that initially Carol DeRonch had stated the car was a light blue, then at a later time decided it was white or beige. Miss DeRonch stated she saw rust spots on the door and the front of the vehicle at the preliminary hearing. Apparently previously she had stated that she had only seen rust spots on the front of the vehicle.

O'Connell continued to work on the, "hot suspect" theory. That is, he claimed that the officer showed Bundy's picture to her so many times that by the time she got to line-up that she had transferred his identification from the pictures to seeing him at the line-up and identified him consequently from his pictures. He went on to imply that the Volkswagon was identified only because she knew that Bundy owned a Volkswagon. The implication was that this information was transmitted to her from the investigating officers.

Regarding her posture on the stand, it is apparent that her memory of the event ~~has~~ faded somewhat. It has become easy for her to avoid answering the questions with, "I don't remember", or, "I don't recall".

Defense Attorney O'Connell then produced a stack of photographs of pictures of torn seats, I believe Volkswagon. He requested that she pick out the particular photograph of the torn seat in Bundy's vehicle. Of course, Miss DeRonch was unable to select the correct photo, this being over a year from her initial contact.

Deputy D.A. Yocum went to redirect. Brought out the point that she didn't know anything about Bundy at the line-up. That she picked him positively at the line-up, but that she couldn't pick him from the pictures only.

Defense Attorney O'Connell initiated a re-cross, working on the "hot suspect" theory again. He keeps implying that she has associated the pictures and the car with Bundy and identified Bundy from those associations at the line-up.

This concluded the first day's procedures and court was convened for this day.

February 24, 1976: Deputy D.A. Yocum called Mary Walsh, 144 E. 5600 South, Murray, Utah. (Mrs. Walsh was with her husband, Wilbur, when the DeRonch girl was attempting to escape from her assailant. She and her husband are the parties who picked Carol DeRonch up). Mrs. Walsh related the following: On November 8th she and her husband had finished dinner at approximately 6:55 p.m. They left their house at approximately 7:10 p.m. enroute to the Fashion Place Mall. After about five minutes they came upon McMillan school. The following is the direct quotations from Mrs. Walsh's testimony. "The girl jumped out from in front of the headlights. It was very dark. She jumped right into the car. She was trembling, crying, weak and looked like she was going to faint. At first she was confused. She said, 'I can't believe it, I can't believe it.'" Carol DeRonch told her, 'He was going to kill me.' He told her, 'Better be quite or I will kill you.' Mrs. Walsh stated that the DeRonch girl requested that they take her immediately to a police station. Mrs. Walsh related that they were stopped at the scene where the DeRonch girl was picked up for approximately five minutes.

Apparently Carol DeRonch told Mrs. Walsh that her assailant had a gun to her head. Mrs. Walsh testified that the DeRonch girl had told her her assailant had pretended he was a security guard for the mall. According to Mrs. Walsh, the DeRonch girl was confused about the color of the car at the time. Mrs. Walsh stated she had mentioned the weapon at that time referring to it, "as a crow bar". After arriving at the police station she was much calmer than she had been when she was first picked up.

Mr. O'Connell declined to cross examine Mrs. Walsh. The next witness called was Mr. Wilbur (Bill) Walsh, same address as the above and husband to Mary Walsh. Mr. Walsh related the following: That they had left their house at approximately 7:00 p.m., enroute to the Fashion Place Mall. He described the route he had taken from his house. He stated when he came adjacent to McMillan school a young lady ran out in front of his automobile. He stated there was a slight drizzle at the time and the girl jumped, "right on top of my wife." He went into the story she had told concerning the immediate prior event. The story was essentially the same as what his wife had stated. However, when describing the weapon he used

the word "tire iron" instead of "crow bar". He stated that there were both cuffs on the girl's right wrist. His wife had previously stated the cuffs were on the left wrist. On cross examination Mr. Walsh related the following facts: That he was driving a '73 Chevrolet, 4-door sedan. O'Connell asked, "Did she say tire iron or crow bar?" Walsh replied, "I think she said tire iron - she may have said crow bar".

The State called Officer Peterson of the Murray City Police Dept. His background is 1½ years experience with Murray City P.D. Peterson apparently was the officer who received the initial contact from Carol DeRonch, who was brought in by the Walshes. He was at the station at the time and does not recall why. He states that both of the cuffs were on one wrist and, further, that she was handling the cuffs on her right wrist with her left hand. He went on to relate Carol DeRonch's story and version of what had happened. Essentially it was the same story given by the Walshes and the DeRonch girl. Apparently the DeRonch girl told Peterson that, "it was a light blue Volkswagen - the assailant was of medium build".

On cross examination O'Connell made reference to the way that Peterson was handling the cuffs. He pointed out that Peterson had had the cuffs holding them apart and on the inside. His implication was that Peterson was subconsciously protecting the cuffs for prints and he went on to ask if Peterson's training hadn't taught him to handle the evidence in such a manner.

The State called David Cummings of the Utah State Police (I believe the name was Cummings). Cummings testified he was one of the original investigators called to the scene and that the cuffs were of the same brand and make as the ones held in evidence. He stated he had dusted the cuffs for prints and taken Carol DeRonch's statement on tape at the Murray Police Dept. He identified the statement transcription. He related he went to the McMillan school and located a shoe next to the sidewalk which belonged to Carol DeRonch. In referring to his original report it indicated that the DeRonch girl had described the vehicle (the Volkswagen) with stuffing coming out of the right rear seat. She didn't mention anything about missing license plates at that time.

The State called Joe Rete (?), an investigator Sergeant for the Murray City Police Dept. Rete testified that he met Miss DeRonch at the Murray City Police Dept. at approximately 8:45 p.m. He testified in relation to the evidence of what Miss DeRonch was wearing at the time. He stated he took clips from the collar and sleeve of the coat (this being some three days later). He dusted the cuffs for prints at the initial DeRonch contact and showed Carol DeRonch three or four thousand pictures, requesting her to go through these mug shots.

Cross examination was in reference to the taped statement of Carol DeRonch. O'Connell noted the statement did not give the color of the license plates and any notation of the tear in the right rear seat. He cast more doubt upon the description of the badge. He requested that Rete display his badge as he had for purposes of identification to the DeRonch girl on the evening in question. His badge is gold and silver. The cuffs were identified as Geroco brand. (They were opened by a regular handcuff key, however the hole is somewhat larger than on standard cuffs).

The State redirected and ^{RETE}restated in relation to subjects looking at mug books, "generally when they find the picture, they pick it right out".

Direct examination, James Geskill, technician, police science lab, Weaver State. Mr. Geskill testified that his records indicated that on November 14, 1974 he typed the blood samples from the coat as type O. No cross-examination.

Direct examination, Davis, lab technician, State of Utah. Apparently Mr. Davis had been requested to obtain an Rh factor on the blood taken from the coat. This was done yesterday, February 23, 1976. At this point Mr. O'Connell made an objection stating that this was a violation of his discovery motion. Judge Hanson over-ruled the objection and Davis stated that the blood samples taken from the coat were group O, Rh positive. He also testified that Carol DeRonch is a type A, positive.

No cross examination.

Direct examination, Sgt. Robert (Bob) Hayward, Utah Highway Patrol, 23 years. O'Connell made an objection to the calling of this witness stating his testimony was irrelevant because it referred to the August 16th highway stop. Yocum's answer was that previous testimony in the suppression hearing had been admitted in relationship to the Carol DeRonch testimony, i.e., the crow bar and handcuffs (apparently the cuffs taken at the August 16th stop were of Spanish origin and the brand name was Jama). O'Connell renewed his objection stating the mere fact that a citizen would have a pair of handcuffs was not relevant to this incident. He produced an ad from the surplus magazine indicating that they did have handcuffs on sale.

At this point the matter was taken under advisement and the second day's proceedings were adjourned for lunch. After returning from lunch the courtroom was very crowded and had it not been for my wife giving me her seat I would have been unable to get in.

Judge Hanson overruled the pre-lunch objection and ruled that the evidence obtained on the August 16th stop was admissible. Direct examination continued on Sgt. Robert (Bob) Hayward, Utah Highway Patrol, 23 years, 3378 Hogan St. Sgt. Hayward indicated he stopped the vehicle at 2700 west - 3500 south in a gas station parking lot. After Bundy was identified Hayward states that Bundy said he was lost (this is at 2:30 in the morning). Hayward called for assistance and two more cars came in from the Sheriff's department. It was noted that the passenger's seat was missing on the right side. It was located in the back of the vehicle. Hayward recalled seeing a small claw bar on the rear floorboard. When the Sheriff's officers came to the scene (two investigators) they obtained a consent to search form from Bundy. They then removed some things from the Volkswagon. Hayward testified he observed the two searching officers remove the handcuffs from the vehicle. Hayward attempted to testify as to the license number of the vehicle but discovered his notes had been scribbled over and only the initials "L.J." were apparent. This had something to do with his use of carbon paper. Officer Hayward was referring to his incident report. Also, he was testifying from the back of his citation notes. He states he met Bundy on the passenger side of the vehicle; says he was very congenial. O'Connell asked whether Sgt. Hayward was related to the Hayward of the Sheriff's office and Sgt. Hayward testified that the Sheriff's office Hayward was his brother.

Direct examination, Daryl (last name not obtained), Salt Lake City Sheriff's Office. This officer was sent to the scene of the August 16th Bundy stop and was one of the searching officers. He stated he found the pry bar on the floor behind the driver's seat. Also, he removed the handcuffs from the trunk; they were in a brown paper bag. O'Connell declined cross examination.

At this point, Deputy D.A. Yocum reviewed the evidence to this time.

Direct examination, Detective Jerry Thompson, Salt Lake City Sheriff's office, 10 years experience, all with Salt Lake City S.O. Detective Thompson related that on August the 21st he questioned Bundy at his 1st Ave. apartment. He had obtained a consent to search form from Sgt. Forbes of the Salt Lake City Sheriff's office. Bundy had signed a consent to search form. Detective Thompson went on to relate that he found patent leather shoes in Bundy's apartment and a Volkswagon part in back of the building. Thompson requested to take pictures of the Volkswagon and Bundy O.K.'d this request. Thompson took pictures with a Polaroid camera and had larger prints blown up from them. He met with Carol DeRonch on September 1, 1975 and told her he would like to show her another set of photographs (between 20 and 30) and requested she look at the photographs and see if there was "anyone she had seen before." At this point Defense Attorney O'Connell objected because of the hearsay rule on DeRonch's statement. Judge Hanson overruled the objection. Thompson went on to testify that Carol had taken a picture out of the stack and held it in her hand. She handed the rest of the photographs back with the exception of the one of Theodore Bundy. She said, "I believe this looks a lot like the man." When shown pictures of the vehicle Thompson states she recalled the tear in the back seat, the color and the rust spots. Thompson testified that on October 7, 1975 at the line-up at Salt Lake City S.O., Carol DeRonch picked Bundy from the line-up, positively identifying him as her assailant. Thompson testified that he had seen Carol DeRonch on November 8th and August 1st. And that he had seen Carol DeRonch only once since that time. She was with Sgt. Forbes at that time and Thompson stated he had shown her photographs only once. He went on to state that he had given a picture to another officer from the Bountiful Police Dept. to show to her. O'Connell started cross examination of Thompson in a very aggressive manner. Questioning proceeded in the following manner:

Question: "Did you find the shoes?"

Answer: "I don't recall."

Question: "Papers or gas receipts, etc.?"

Answer: "Yes."

Question: "On two different occasions did you give photographs to Bountiful and Murray?"

Answer: "I don't recall"

O'Connell went on to question Thompson in reference to the picking out of Bundy's photograph by Carol DeRonch. Thompson testified she had handed back the photographs but had kept one. Then she had said, "I don't know, this looks a lot like him."

O'Connell: "Didn't she really say it looks something like him? Then she

said, 'I really don't know' again, right? Isn't there a difference between saying 'I think it looks something like him' and, 'It looks a lot like him'? Review your reports officer?"

Thompson: "Yes"

O'Connell: "Were car pictures mixed with other Volkswagon cars?"

Thompson: "No"

O'Connell: "Why didn't you show pictures to the DeRonch girl yourself instead of giving it to Bountiful?"

Thompson: "The later picture looked much more like him."

O'Connell: "You knew it was improper, didn't you?"

Thompson replied that the pictures looked so different.

O'Connell: "Why were you ^{following} ~~following~~ Mr. Bundy, so Carol DeRonch could identify him?"

Thompson: "No"

O'Connell went on to question Thompson in reference to the changes made on the car; the repair of the rust spots and the touch-up. He asked Detective Thompson, "Don't you think it was incredible that Carol DeRonch could identify the car?" He asked if Thompson had taken the DeRonch girl to the University of Utah Law School and Thompson replied in the affirmative. The warrants were then entered into evidence along with the affidavits. On redirect Yocum asked, "Why didn't you pick up the shoes when you obtained the search warrant?" Thompson answered that other matters were pending and he did not want to, "tip his hand." In reference to the car Thompson testified it had two plates listed to it. On recross O'Connell made the point that Bundy didn't inquire why his apartment was being searched.

Direct examination, Mr. Eric Achter (?), Farmington, Utah, State Motor Vehicle Records. Achter testified in regards to the title to the '68 Volkswagen in question. He stated he received application for a Utah title February 18, 1975 and issued a registration and plate for Utah LJV-088. On April 11, 1975 he received a lost plate and replacement card and issued Utah LJE-379 for that vehicle. He went on to testify that a Washington title was issued March 7, 1973. On September 19, 1975 the title was transferred to a Brian Severanson (?) by Washington title. Cross examination by O'Connell revealed that the witness did not know what Washington plates looked like.

Direct examination, Ira Beale, police officer Bountiful Police Dept., 5½ years. Beale testified he contacted Carol DeRonch on September 4, 1975 for the first time. He testified he showed her two photographs, one obtained from Detective Thompson and one he had pulled from his own file. Both were driver's license photos. He testified that Carol DeRonch had picked Bundy from a stack of the photographs. On cross examination O'Connell asked if any of the people in the photographs were known to have owned handcuffs. Beale testified in the affirmative. On redirect Yocum asked if

that individual had anything to do with the DeRonch case. Beale was in the negative.

(It was noted at this time that several times during the trial O'Connell would decline to cross examine and wait until the witness had left the stand before starting his cross examination. This happened several times and the writer suspects that it is a tactic to catch the witness unprepared)

(Note: this time a break was called and Bundy passed by me, motioning for a friend sitting near me, to come to him. The boys name was Bart, I believe.)

Direct examination, Margaret Christine ^{MARGEN} DeMon (^{DeMon}?), an acquaintance of Bundy and neighbor. Miss ^{MARGEN} testified that Bundy lived upstairs from her. She testified that she had been in Bundy's car several times. She recalls being in the car and seeing the tear in the back seat around the end of 1974, the beginning of 1975. She testified they appeared to be the same tear as were in the pictures. She went on to reinforce the testimony that Bundy had indeed consented to have the officers search his car. She stated that Bundy had told her that he had been stopped by the police and had given permission to search the car. On cross examination O'Connell asked, "You thought he would have voiced an objection?" She replied in the affirmative. At this point O'Connell started laying a foundation for his alibi as set forth in his opening argument. He asked, "Do you recall pushing his car and telling him where he could get it fixed?" ^{MARGEN} DeMon replied in the affirmative.

This concluded the second day's proceedings and court was recessed.

February 25, 1976: The State recalled ^(Joe L) Officer Joe A. Rete, investigator Murray City Police Dept. There had been some question ~~was~~ as to who had actually snipped the hair from the collar of the DeRonch girl's coat and O'Connell had made an issue of the fact that the technician and Rete had stated that they had taken the samples. Rete testified that on reflecting on the event that he had taken the coat to the lab and that the technician had taken the fur off of the collar. At this point O'Connell voiced an objection to this evidence stating that it was inconclusive when the blood had got on the coat. It was apparent that it was sometime during the two weeks prior to the incident in which she owned the coat and within three days after the event. Judge Hanson overruled the objection, but did state that it was a matter of ^{weight} ~~weight~~ for the court to conclude. Direct examination continued with Rete identifying the pictures of the DeRonch girl taken the evening of November the 8th showing the broken fingernails of the DeRonch girl. He also identified pictures taken of the coat. These pictures were entered into evidence as Items No. 57 and 58. The other picture of the DeRonch girl was her pointing at the blood spots on the right sleeve and the backside of the collar. On cross examination O'Connell asked if the fingernails were ragged and received an affirmative answer. O'Connell asked if her other fingernails were artificial and Rete replied that he didn't believe they were although he did not ask that question specifically.

The State of Utah called Wade Robertson, crime lab, Salt Lake City Police Dept. Mr. Robertson testified there were insufficient ridges for comparison from known prints of the suspect. (These prints were from the cuffs taken from the DeRonch girl.) At this point Deputy D.A. Yocum rested the State's case. At this point several motions were made by Defense Attorney O'Connell.

The State stipulated to the time element involved, probably ten to fifteen minutes during the commission of the crime. Deputy D.A. Yocum stated that the time involved during his reconstruction of the act was 11.8 minutes. This was the total time from the initial contact to leaving the car at the school. Mr. O'Connell presented his "intent to kill" argument. Observing that the assailant, although displaying a weapon, had failed to use that weapon, and therefore, it was ridiculous to conclude that he intended to kill her. Mr. O'Connell went on to state that the subject, "whoever he may be," then got a crow bar and said, "Well if you won't yield to a gun, how about a crow bar?" He went on to state the element of terror, which is an element necessary to prove 1st degree kidnapping in Utah, was not present. He related that this had nothing to do with terrorist activities. He stated the intent of the kidnap had not been proved. Mr. Yocum then stated that he felt the intent to kidnap was proved and this was what he felt was necessary.

This motion was taken under advisement by Judge Hanson. The defense then called an expert witness, Dr. Elizabeth Loftus (?). There was some argument at this point presented by Mr. Yocum concerning whether or not Dr. Loftus could testify. Her qualifications were established and Judge Hanson ruled she could testify in the matter. Dr. Loftus is from Harvard University. Mr. O'Connell stated that Dr. Loftus would testify on memory and identification and the general effect of looking at a large number of photographs in relationship to looking at a "target" photograph. That she would also testify on the effects of time on memory, the effects of time ~~on~~ stress, the effects of suggestion by bias. He went on to state that she had performed extensive tests. Dr. Loftus testified as an expert witness on memory perception in eye-witness identification. Directly after lunch on February 25, 1976 she went on to relate subsequent experiences on the alteration of the memory process. She testified concerning "unconscious transference". That is, the transfer of a person from one situation to another. She went on to relate experiments which had been conducted by herself and other experts in the field. She told of the Buckhouse (spelling ?) experiment. This experiment concerned a staged assault on a professor with students in attendance. She stated that six photos were shown seven weeks later to the witnesses. Only 40% identified the correct assailant. Of the 60% who did not identify the correct assailant, the trend was to identify an innocent bystander. (Unconscious transfer).

In Dr. Loftus' experiment she showed six pictures and ^{PLAYED}~~plate~~ data concerning a crime story. Thereafter, 60% chose an innocent bystander. 16% chose other persons presented in the six photographs and 24% didn't make a choice. Here again she felt this was an example of unconscious transfer. Actually, the proper choice was not in the six photographs shown and the correct percentage was the 24% that made no choice at all. She went on to testify as to the effects time has on memory. She drew a diagram indicating what she referred to as the, "forgetting curve". This diagram indicated that the greatest rapidity of forgetfulness occurred directly after the incident and progressed at a less rapid rate as time went on. Mr. O'Connell asked, "Does viewing many photographs affect the ability to pick a target picture?" At this point Mr. Yocum objected stating that there was no first hand information on this subject and that she was testifying only to convictions concerning what she had read about. Judge Hanson overruled the objection. Dr. Loftus replied that the more pictures looked at the worse the correct recall rate was.

She then went on to testify as to the effects of stress on the higher mental functions. She stated that extreme stress would affect the recall process adversely.

She testified then as to the experimenter bias which she described as the transmittal of information from the experimenter to the, "experimentee". In this regard she stated that it was possible by a lift of the eyebrow, staring at one picture, etc., to transfer the wishes of the experimenter to the subject even though it was not intentional.

O'Connell then asked if a, "authority figure" would have an affect on the subject and the wishes of the experimenter. Dr. Loftus stated that the information conveyed by the experimenter would be more likely to be accepted if it was a person the subject was trying to please. She went on to state that this was only a general theory. She described this process as, "cueing", i.e. the suggesting by motion, raising an eyebrow, staring at something, etc. She stated that this could be either intentional or unintentional.

On cross examination Mr. Yocum asked if it wouldn't also be hard to get them to change their minds if it were the correct choice. He asked if any studies had been done on correct choices and her reply was in the negative. She stated that these were all the results of experiments and not actual situations. Mr. Yocum asked if she were associated with the Public Defender's offices and she replied that she was. Mr. Yocum then rested his cross examination and Judge Hanson asked if the exposure time on a given subject would make it more likely for that subject to recall. Dr. Loftus replied in the affirmative.

At this point the writer is going to switch formats in order to facilitate the reading of this report. The report will indicate the questions asked and the response of the subject thereafter, with notations as to qualifications, etc. This report will not encompass completely everything that was said nor the actual wording used except where indicated by quotation marks, but merely the writer's observations *AND WORDING AS CLOSE AS HE COULD RECALL FROM NOTES TAKEN AT THE TRIAL.*

The defense then called Edward Barton (? spelling), Investigator for Legal Defenders, associated two weeks. Prior experience had been as chief investigator to the Salt Lake County District Attorney's office. Further questioning revealed that Mr. Barton had had extensive experience as a detective and police officer some fifteen years all told.

O'Connell: Have you attended many line-ups?

Barton: Yes, probably in excess of two hundred.

O'Connell: What was the percentage of positive identifications to the satisfactions of the police officers?

Barton: I don't know the exact percentages but incorrect identifications occurred with some frequency.

O'Connell: Is the mere picking of a target enough to charge a defendant?

Barton: No, it must corroborated by other evidence.

O'Connell: Is a danger in showing two different photographs of a suspect to a victim?

Barton: Yes

At this point O'Connell rested his direct examination and Mr. Yocum started cross examination of Mr. Barton.

Yocum: If you found a photograph of the subject and later found a second photograph which looked much more like him wouldn't you return and have the victim attempt to identify the second photograph?

Barton: No, I would request a line-up.

Yocum: Are you aware that the process of requiring a person to stand in a line-up demands a certain amount of paperwork and a court order?

Barton: Yes

Yocum: Then you probably wouldn't get your line-up.

Barton: No

At this point Mr. O'Connell proceeded with redirect examination.

O'Connell: Would it be preferable to show the picture before the line-up?

Barton: It would depend on the situation.

At this point the defense called Mr. Bill Gourde (sp.?). Mr. Gourde works for Jack's Car Repairs in the Salt Lake area.

O'Connell: Is it common for Volkswagons to have a ripped back seat due to wind damage, especially in older models?

Gourde: Every one of them. (There was a certain amount of other information conveyed at this point by Mr. Gourde concerning his qualifications, etc. but the above is the main context of his testimony).

Cross examination. Yocum: Did darker colored vehicles more often have the tear than lighter colors?

Gourde: Yes.

The defense called Mr. James Hardington (sp.), a student and friend of Mr. Bundy. Also, a neighbor who lives at the 1st St. address. It was noted that Mr. Hardington refused to take the oath, "I swear to God", but was sworn in under the, "penalty of perjury" oath.

O'Connell: Are you familiar with the vehicle owned by Mr. Bundy?

Hardington: Yes, a VW and an old white Ford pick-up.

O'Connell: Are you familiar with what Mr. Bundy usually wears?

Hardington: Yes, usually he wears blue dungarees with an elastic waistband. I've never seen Ted wearing patent leather shoes.

O'Connell: Have you ever had occasion to visit Ted's apartment?

Jim Dennis?

HarVington: Yes, in fact we watered his plants and took care of things when he was gone.

O'Connell: Have you ever seen the inside of Mr. Bundy's closet?

HarVington: Yes, I've never seen any patent leather shoes in Mr. Bundy's closet.

O'Connell: Have you ever seen Mr. Bundy wearing a mustache?

HarVington: Only in conjunction with a beard.

O'Connell: Were you familiar with Mr. Bundy's Volkswagon.

Hardington: Yes, it was a sun-roof. Ted carried a lot of junk in his car. He frequently road his bicycle.

(The writer observed at this point that a witness who had seen Mr. Bundy wearing a false mustache would be of some value to the prosecution).

Cross examination. Yocum: (Worked on discrediting Mr. HarVington's testimony by comparing the tear in the photograph with Mr. HarVington's memory. He went on to bring up such facts to Mr. HarVington that Mr. Bundy frequently changed his appearance and brought forth the statement that when Ted was not working he frequently didn't shave for a week and that it was common for Mr. Bundy to change his appearance. Yocum went on to bring up the fact that the tools and "junk" carried in Bundy's car were a fire extinguisher, a coat, and a tool box. HarVington stated that he had never seen the crow bar or the handcuffs.)

(The writer observed that this witness made a poor presentation. He frequently evaded questions and answered questions with questions under cross examination. He was definitely from the counter culture and his dress reflected this as well as the attitude and appearance. The writer would have described him as, "a smart alleck".)

The defense called Janet HarVington (sp.), wife of the prior witness. She testified that she frequently observed Mr. Bundy wearing jeans, turtle neck sweater and loafers. She stated that while watering the plants in Mr. Bundy's apartment that she observed some Addidas tennis shoes, some rubber boots, loafers and a pair of black dress boots.

Cross examination was very minor by Mr. Yocum and the witness was excused.

Defense called Ann Swenson (sp.). Miss Swenson works for Mr. O'Connell, the Defense Attorney. She stated she met Bundy in February of 1975 at a church social. Further that she saw him four or five times a week and that she had been in his car several times. She stated the car seat did not look like the photographs and further testified the vehicle was a sun-roof. She was asked if she had ever been to his apartment and the reply was in the affirmative. O'Connell asked her if, as a prospective suitor, she had ever snooped in his apartment and she replied in the affirmative. She stated she had seen the inside of his closet and that she had never observed any patent leather shoes.

Cross examination indicated that the witness was acquainted with the defendant from February until March of 1975. Yocum brought out the fact she had never seen the rip being referred to by evidence of the fact that she had ridden in the front seat only. She didn't recall ever seeing the crow bar or the handcuffs. Yocum brought out the fact that she had observed several suitcases in the defendant's closet.

Yocum: Do you know if Bundy made any trips in February or March of 1975, out of the state?

Swenson: No

Yocum: Did he tell you that he had gone out of state?

Swenson: No

This concluded the third day of the trial.

On February 26, 1976, the defense called Officer Wood Collard (sp.?).

O'Connell: On September 8, 1975, did you have any contact with Carol DeRonch in the presence of Detectives Ron Ballantine, Cole, and Hayward (sp.?)?

Collard: Yes, I went with her to see an automobile.

O'Connell: Do you recall the Thompson photos in reference to showing these photos to Miss DeRonch?

Collard: Yes, she examined the vehicle and was asked, "Is this in fact the same car?" Her reply was, "Yes", but the differences were, the rear seat was torn; it was recorded as being torn in prior pictures and she said the color was different. She thought the color was lighter than the car she was looking at.

Cross examination. Yocum: Did she see the car prior to September 8th.

Collard: Yes, once.

Yocum: Was it slicked up then?

Collard: Yes

Yocum: Had repair jobs been done on the car?

Collard: Yes, primer had been added to the dented areas. It appeared to have been painted. The body wrinkles were still there.

Re-direct examination. O'Connell: Was there primer on the door?

Collard: No. (In reference to the tan paint on the vehicle).

The defense called the defendant, Mr. Robert Theodore Bundy.

O'Connell: Were you charged on October 2, 1975?

Bundy: Yes

O'Connell: Have you checked your records concerning your activities since November 8, 1974?

Bundy: Yes, I checked my records, my checks, etc. They indicate that I was at Cottonwood Mall looking for a pair of jeans. This is to best of my recall after refreshing my memory, looking at the checks. I recall that my car wouldn't start after I came out from the mall. I pushed it across the street to a Texaco station where they did some work on it. They recharged the battery and made some temporary repairs. I drove from the Texaco station about 5:30 p.m. and went to my home. I suppose at that point I had dinner. I recall coming back out between 6:30 and 7:00 p.m. and had some more problems with the car. It wouldn't start so I didn't go anywhere. The next morning I got some parts for it and repaired it. I put in new plugs, distributor, changed the spark plug wires, etc. This was repaired on Saturday.

O'Connell: Concerning the events November 8, 1974, can you further elaborate?

Bundy: To the best of my recollection I went to a ^{COTTONWOOD MALL} (illegible) square. I made a phone call to a Seattle girlfriend. I talked to a bartender that day.

O'Connell: Did you go to Fashion Place Mall?

Bundy: No

O'Connell: Have you ever seen Carol DeRonch outside of court?

Bundy: No

O'Connell: Did you ever own a hand gun or a badge?

Bundy: No

O'Connell: Mr. Bundy, may we see your wallet?

Bundy: (He took a checkbook-type wallet from his breast pocket).

O'Connell: Are there any holes in this wallet? (displaying it to the court)

Bundy: No

O'Connell: How long have you owned this wallet?

Bundy: Seven years.

O'Connell: And what color is it?

Bundy: Light brown.

O'Connell: Were you wearing a mustache in the fall of 1974?

Bundy: No

O'Connell: Concerning the handcuffs found in your vehicle, did you own them in early 1975?

Bundy: Yes, I got them from my landlord. They were in with a box of dishes and other junk. My landlord had requested that I take this junk to the dump. I made two or three trips then.

O'Connell: Did you ever have a key for the handcuffs.

Bundy: No, I put them in my truck.

O'Connell: (concerning the handcuffs) Go on.

Bundy: I put the handcuffs in the Volkswagon last summer.

O'Connell: Did you put them in a paper bag?

Bundy: Yes

O'Connell: Did you ever use them?

Bundy: No

O'Connell: Do you recall August 16, 1975?

Bundy: Yes. On that date I was working as a night watchman. That is, I was an official janitor. We wore brown shirts and carried a walkie-talkie. On that date, in the afternoon, I was working the 3:00 to 11:00 shift. Before going to work I had been attempting to get the seat out of the Volkswagon; it had went into the back position. I was using the crow bar to attempt to knock the seat off the runner. It was getting late and I was afraid I was going to be late for work. I had gotten the seat out and threw it in the back, also the crow bar. I then went on to work. After I got off I went home and took a bath and found the apartment to be quite warm. I smoked some grass, watched TV and decided to drive out to a friend's house. There were no lights on when I went by so I just decided I'd drive as far out West as I could go. I got tired, turned, and started coming back. I pulled over to the curb and started smoking a marijuana cigarette. As I was sitting there I noticed lights, car lights, behind me. Not wanting to be caught with a marijuana cigarette I started to pull away. After turning left twice I saw the headlights still following me. I was paranoid because I had been smoking dope.

O'Connell: Did the car behind you turn out to be a police officer?

Bundy: Yes

O'Connell: Did you suspect he was a police officer?

Bundy: Yes, I was attempting to keep him away from the car because of the contraband.

O'Connell: Then what happened?

Bundy: Other deputies were called in and joined in the search. I was scared and nervous.

O'Connell: Did they ask you what you were doing?

Bundy: Yes

O'Connell: Did you tell them the truth?

Bundy: I told them I had gone to a movie; I didn't want to tell them I was smoking dope.

O'Connell: Were you arrested and booked at the Salt Lake City jail on August the 16th?

Bundy: Yes

O'Connell: And how did you get back out to your car when you were released?

Bundy: I rode my bike.

O'Connell: Were you re-arrested August the 21st?

Bundy: Yes

O'Connell: And when did you first consult me in reference to this incident?

Bundy: On August the 22nd.

O'Connell: Did you tell the truth about the events of August the 16th?

Bundy: No

O'Connell: Why not?

Bundy: I was embarrassed about the incident.

O'Connell: Would the fact that you were smoking dope embarrass you if the facts were known?

Bundy: Some would, ~~SOME WOULD~~ (REFERRING TO DIFFERENT PEOPLE HE KNEW)

O'Connell: Between November 8th and August 21st was your vehicle always in the same condition?

Bundy: There was some wear and tear. The rip over the back seat had progressed.

O'Connell: Was it worse in 1975 than the fall and winter of 1974?

Bundy: Yes

O'Connell: Was there a difference in the rip between November 8th and August 15th and 21st?

Bundy: Yes. During the search the police looked inside the tear. They tore it while they were searching.

O'Connell: Did you sell the car in September, 1975?

Bundy: Yes

O'Connell: Did you discuss it with me before you sold the car?

Bundy: Yes

O'Connell: Why did you sell it?

Bundy: Because of pressing bills.

O'Connell: Did you fix it up first?

Bundy: Yes. I washed it, did some sanding and replaced the back seat. I put on some aluminum rings around the wheels.

O'Connell: Did you advertise it in the paper?

Bundy: Yes

O'Connell: How long did it take you to sell it?

Bundy: A week or a week and a half.

O'Connell: Was it the same color when you sold it?

Bundy: Yes. I had put some primer on the rust spots. (O'Connell introduced pictures of the vehicle, Exhibits 63 and 64 and they were entered into evidence).

(Note: Writer observed at this point that Bundy makes a good presentation from the stand except that he talks very low. He's quick to incorporate details and reason into his testimony. He dresses conservatively and at the time is wearing a dark blue sport coat, light slacks. It is noted he has changed his suit each day. His hair is now medium length down to about his collar but below his ears. He is wearing a white print tie with blue

and white diamonds in the tie and charcoal gray slacks.)

Cross examination. Yocum: Were you questioned on August the 16th concerning the marijuana, what you were doing in the area and the crow bar?

Bundy: Yes

Yocum: Do you remember the crow bar?

Bundy: Yes, I was using it that day.

Yocum: Wasn't it an improper tool?

Bundy: I had used it to pry old shock absorbers before.

Yocum: Did you carry it in the car?

Bundy: (illegible)

Yocum: Did you tell them you were working on the car?

Bundy: Not sure.

Yocum: Did you lie about seeing a movie to cover smoking pot?

Bundy: Yes

Yocum: Were you caught in the lie?

Bundy: Yes

Yocum: Did you have a reasonable explanation?

Bundy: I wasn't functioning too well.

Yocum: 'Till two weeks ago.

Bundy: No reply

Yocum: Did you then lie to your attorney?

Bundy: Yes

Yocum: Do you attend law school?

Bundy: Yes. I wasn't in a position to think in regular terms. I simply was not willing to tell them.

Yocum: Just junk I collected?

Bundy: Right

Yocum: Did you consider the crow bar a piece of junk?

Bundy: No reply

Yocum: They didn't find any marijuana (the police officers). Did you throw it out as you were driving along?

Bundy: Yes

Yocum: Did you have an opportunity on August the 21st to make another explanation?

Bundy: Yes, I'm not sure.

Yocum: Did you tell Forbes you had found the handcuffs in a dump near your apartment?

Bundy: Yes

Yocum: What else did you tell him about the handcuffs?

Bundy: I don't recall.

Yocum: Do you remember telling Forbes of a Washington incident in which you had had to cuff a man who had stolen a purse?

Bundy: The only difference was that I had told him it was a purse instead of a bike.

Yocum: Did you ever own a key for the cuffs?

Bundy: No, I didn't have any need for a key.

Yocum: Did you tell Forbes you used them to restrain people?

Bundy: Not entirely.

Yocum: Did you take any night classes?

Bundy: No

Yocum: Did you tell Officer Forbes that?

Bundy: No, I have never taken any night classes.

Yocum: Was there anything in the car for keeping warm in the winter?

ENSHED O'Connell: Objection (At this point both attorneys approached the bench in a discussion ~~in suit~~. The writer has since learned that Yocum was making reference to the ski mask found in the August 16th stop).

Judge Hanson: Objection sustained.

Yocum: Were you informed that you were under investigation.

Bundy: Yes

Yocum: Of another matter.

Bundy: Yes

Yocum: A more serious case?

Bundy: Yes

Yocum: At the apartment search.

Bundy: Yes

Yocum: Did you lie to Thompson?

Bundy: Be more specific.

O'Connell: Objection (In reference to the discovery motion filed by the defense; also, due to the fact that it was outside the scope)

Judge Hanson: Overruled

Yocum: Did you talk to the police officers about a lot of other matters?

Bundy: Yes

Yocum: Do you ski? Ever been in Colorado?

O'Connell: Objection (Both attorneys approached the bench)

Judge Hanson: Objection sustained.

Yocum: In November of 1974 was your car running well?

Bundy: Not as efficient as I would like.

Yocum: How about two weeks prior?

Bundy: (illegible)

Yocum: Did you use 22.7 gallons of gas in a four day period?

Bundy: Yes

Yocum: On your Chevron credit card?

Bundy: Yes, at that time.

Yocum: How many miles per gallon do you get?

Bundy: 28, down to about 23 when it's not efficient.

Yocum: Then how many miles did you travel on that?

O'Connell: Objection, calls for a conclusion.

Judge Hanson: Overruled

O'Connell: We'll stipulate, your Honor, that 23 times 20 is 460 miles.

Yocum: We will stipulate to that. Is this your signature? (showing credit card copies)

Bundy: Looks like it. I would have to say it looks correct.

Yocum: Does this show Washington license RDH 421?

Bundy: Yes

Yocum: Is this your signature in Washington?

Bundy: Yes

Yocum: Does it show you purchased gas on November 8th?

Bundy: Yes

Yocum: Is your signature on the card?

Bundy: Yes it is.

Yocum: Does it show you purchased gas in Salt Lake on that date?

O'Connell: Objection, The exhibit speaks for itself.

Judge Hanson: Overruled.

Yocum: Does it indicate you were topping off your tank.

Bundy: I don't recall.

Yocum: Most probably, would you say, "Fill it up"? Or would you go into a gas station and say, "Give me \$2.45 worth of regular".

Bundy: No

Yocum: Why did you fill a car that was broke down?

Bundy: (No answer)

Yocum: Did you buy a minor kit?

Bundy: Yes, a small expense, \$17.00 deal.

Yocum: Must not have been too much wrong with your car.

Bundy: Just a tune-up kit.

Yocum: Are you mechanically adept?

Bundy: I follow the idiot book for Volkswagon owners.

Yocum: Did you see a show that evening?

Bundy: Yes

Yocum: What one?

Bundy: (illegible, something about a subway) [?] - TOWERING INFERNO?

Yocum: Did you lie to the police on August the 16th.

Bundy: Yes

Yocum: Have you ever been associated with law enforcement in the past?

Bundy: I wouldn't say so. I was associated with police in administrative planning.

Yocum: During this time did you come in contact with law enforcement officers?

Bundy: (illegible)

Yocum: (Question illegible)

Bundy: I didn't purchase one.

Yocum: Did you purchase handcuffs?

Bundy: No

Yocum: Did you find the handcuffs you owned in the Salt Lake City dump?

Bundy: Yes

(Writer noted the discrepancies between Bundy's previous testimony at this point - that he had found the handcuffs in a box of dishes that he was taking to the dump for his landlord)

Yocum: Did your Volkswagon have a dent in the right front fender?

Bundy: I only removed the rust spots.

Yocum: In the right front door?

Bundy: Yes

Yocum: And in the right rear fender?

Bundy: Yes

Yocum: Would you examine these photos and identify if these were the rust spots.

Bundy: (apparently looking at a photo which had been taken after the repairs were made to the vehicle). I covered more than I had to. I am assuming this is my car.

Yocum: Does it look like your car?

Bundy: It looks like a tan Volkswagon.

Yocum: Have you been known to use a false mustache?

O'Connell: Objection. (illegible discussion)

Yocum: In your adult life?

Bundy: I purchased one several years back. I haven't seen it since five years back now.

(Writer again noted the advantage of having the witness who had seen Bundy recently in a mustache)

Yocum: Were you with Governor Evans' campaign?

Bundy: Yes

Yocum: And wasn't part of your duties to spy on the opposition?

Bundy: No, I wasn't spying on anyone.

Yocum: Did you ever have one (mustache) when you were in Temple?

Bundy: Yes

Yocum: Not on November 8th?

Bundy: No

Yocum: Did you wax your car? (showing picture)

Bundy: Yes

Yocum: Does it appear darker?

Bundy: Shinier, I can't say darker, Dave.

At this point Yocum reprimanded the witness requesting he not refer to him as, "Dave". Mr. O'Connell came to the witnesses defense observing that several times during the questioning Deputy D.A. Yocum had referred to Mr. Bundy, stating, "Aw, come on now, Ted". Judge Hanson requested at this point that all concerned parties refrain from using Christian names.

Yocum: Do you recall a discussion with Margaret Maughn in which you stated, "I like virgins."

O'Connell: Objection (attorneys approached bench)

Judge Hanson: Overruled

Bundy: No

Yocum: Do you remember having another conversation with Miss Maughn in which you stated there is no difference between right and wrong?

Bundy: I wouldn't have made that statement unless it was taken out of context.

Yocum: Did you have an opportunity after August 21st to explain the lies to various law enforcement officers?

O'Connell: Object on grounds of violation of Bundy's constitutional rights.

Yocum: Let me give you a hypothetical question. Should a person explain when he is under investigation?

O'Connell: Objection

Judge Hanson: Overruled

Yocum: Did you deny guilt?

Bundy: Yes

Yocum: Was your vehicle searched and are you now standing trial?

Bundy: Yes

Yocum: And the reason for the search was you were afraid to admit you were smoking marijuana?

O'Connell: Objection

(Noon recess called)

Yocum: Do you recognize exhibit number 54?

Bundy: It is a check to Texaco.

Yocum: This was for one hour's mechanical work?

Bundy: I said I had to wait.

Yocum: Cost \$2.50, no labor charge.

Bundy: No

Yocum: Was the charge at the station \$2.50 plus tax.

Bundy: Apparently they didn't feel it was necessary to charge anything for labor.

Yocum: How old was the man who worked on your car?

Bundy: I don't remember.

Yocum: Did he seem to be in an official capacity with the station?

Bundy: I don't remember

Yocum: Was it a gas purchase?

Bundy: No

Yocum: You lit up a marijuana cigarette and started driving?

Bundy: Yes

Yocum: Were your headlights on?

Bundy: I don't know

Yocum: How fast were you going?

Bundy: Fast enough to try to air out the car.

Yocum: Going at a high rate of speed?

Bundy: Yes

Yocum: Because a car was following you?

Bundy: When paranoia strikes that's the way I react.

Yocum: Are you aware of the penalty for marijuana?

Bundy: No

Yocum: Are you aware of the penalty for running from a police officer?

Bundy: No

Yocum: How long to light a marijuana cigarette in the residential area?

Bundy: Fifteen minutes.

Yocum: When you threw out the baggie did you also throw out the paraphenalia?

Bundy: Yes

Yocum: Where did you keep your baggie?

Bundy: (Illegible)

Yocum: One of the officers got in the back seat and ripped your back seat further?

Bundy:

Yes, one of the uniformed officers.

Yocum: Why is your wallet in such good condition? Do you own any other type of wallet?

Bundy: No

Yocum: Did you purchase gas in Murray on September 24 and 25th.

Bundy: (Illegible)

Yocum: Ever been to Fashion Place Mall?

Bundy: Yes

Yocum: In the fall months of 1974?

Bundy: I don't recall.

Yocum: Did you lose a license plate?

Bundy: Yes

Yocum: Did you use the old one?

Bundy: You have to turn it in, you wouldn't be able to use it. No.

Yocum: Is this your signature on the credit card, April 11, 1975, showing license LJE 379?

Bundy: Appears to be (words to that effect)

Yocum: Between February 18th and April 11th was the old plate ever on the car after that time?

Bundy: No sir.

Yocum: On May 3, 1975 (showing credit card copy) what license number does it show?

Bundy: I simply recalled my old number when they asked me..

Yocum: How often did that happen?

Bundy: No reply.

Redirect - None by O'Connell

This concluded the Defense's case.

State rebuttal:

Yocum: The State calls ^{SHEER} Charles A. Sheer (sp.), 414 Creek Road, 3040 South, Salt Lake City. Had lived at 565 First, Apt. #4, from May to November, 1975. Did you meet Bundy?

Sheer: Yes, I lived across the hall with my wife and sister-in-law.

Yocum: Do you know Bundy's car.

Sheer: Yes

Yocum: Familiar with the upholstery?

Sheer: Had a big tear in the back seat. The front had a little tear on the right side.

Yocum: (showing picture) Was the tear different between November 8, 1974 and August 16, 1975?

Sheer: The tear was always the same. It was ripped apart across the top. It was yellow from exposure to the sun.

Yocum: Is that a problem with your car?

Sheer: Yes, the same thing. The upholstery had dried out.

Yocum: Have you ever seen Bundy dressed up?

Sheer: Yes, four or five times, usually on Sunday.

Yocum: Did you ever see Mr. Bundy wearing black patent leather shoes?

Sheer: Yes

Yocum: How did you happen to notice them?

Sheer: I don't like those shoes.

Yocum: When did you see them?

Sheer: We were sitting on the front porch when he was coming in and going out.

Yocum: Have you ever taken the front seat out of your Volkswagon?

Sheer: Yes, the latch which usually adjusts the seat on most cars; just keep holding it and the seat slides off the rails.

Cross Examination:

O'Connell: Were the shoes plastic appearance or merely highly polished leather shoes? (O'Connell had Bundy stand and asked if it could have been the shoes Bundy was wearing only more highly polished)

Sheer: No, they were patent leather shoes.

Direct Examination: The State called ^{SHEER} Rose Sheer, 414 Creek Avenue, wife of Charles Sheer. Was living with Charles Sheer in Apartment 4. They moved in July.

Yocum: Did you ever meet Mr. Bundy?

Rose Sheer: Yes, we lived across the hall.

Yocum: Did you ever see him dressed up?

Rose Sheer: Yes, usually before church. I saw him dressed up several times.

Yocum: Do you recall seeing him wear patent leather shoes.

Rose Sheer: Yes. I recall dark colored patent leather shoes which we noticed him wearing while we were sitting on the porch. He also wore loafers and tennis shoes.

Cross Examination:

O'Connell: How many times did you see Mr. Bundy wearing patent leather shoes?

Rose Sheer: I don't remember.

O'Connell: More than once?

Rose Sheer: Yes

O'Connell: Do you know Jim Dunn, or Margaret Maughn?

Rose Sheer: (illegible)

O'Connell: Do you know whether or not they ever saw Mr. Bundy wearing patent leather shoes.

Rose Sheer: No

O'Connell: Did you ever see Mr. Bundy wearing patent leather shoes other than on Sunday?

Rose Sheer: No

Defense rests.

Judge Hanson: Did the shoes appear to be new?

Rose Sheer: I couldn't tell.

Direct Examination: State recalled Sgt. Hayward, Utah Highway Patrol.

Yocum: Have you ever contacted subjects in automobiles who were smoking marijuana?

Hayward: Yes

Yocum: Do you know what burning marijuana smells like?

Hayward: Yes, it smells sweet, smoky.

Yocum: On August 16th did you smell burning marijuana when you contacted Mr. Bundy?

Hayward: No

Yocum: Were you facing Mr. Bundy?

Hayward: Yes

Yocum: Did you smell marijuana?

Hayward: No

Yocum: Where was Mr. Bundy when you saw him.

Hayward: I was sitting in front of my house in an unmarked car when he passed me and stopped at 3358 Brock St. He started up and accelerated very fast after I turned my lights on. He made five turns during the chase.

Yocum: Did you see anything thrown out of the car?

Hayward: No

Yocum: Did you see any other officer tear Mr. Bundy's seat during the search of his vehicle?

Hayward: No

Yocum: Where was Mr. Bundy during the time the officers were searching his car?

Hayward: At first he was between the Patrol vehicle and his car then he moved to the rear of the patrol car.

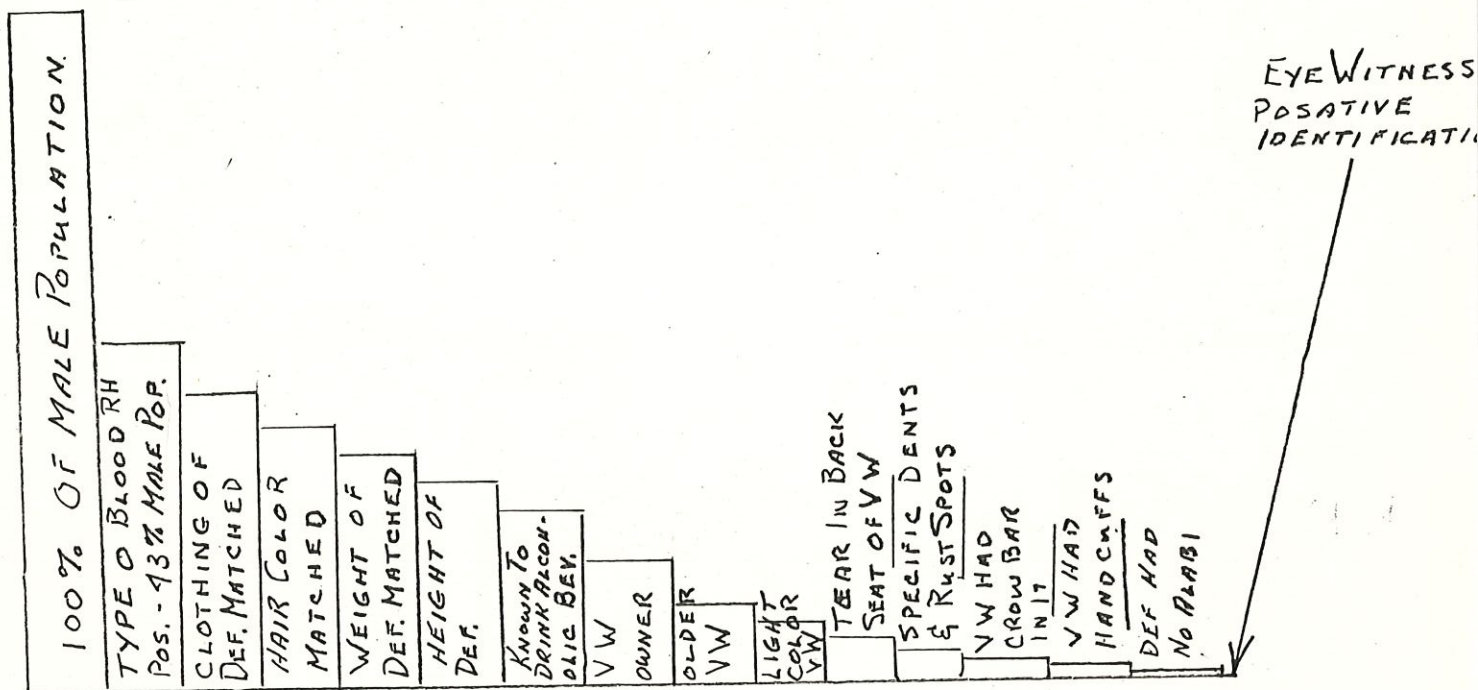
State calls: Darrell Mandrock (sp.), Salt Lake County Sheriff's Office. Was established to have been one of the special forces officers (Tact. Unit) called to the scene of the August 16th stop. He testified that he had been the officer who searched the rear of Bundy's Volkswagon and that he did not tear the seat anymore than it was. He stated he did not smell marijuana in the vehicle.

State called another Sheriff's officer and writer was unable to get the name. He testified that during the search he neither saw another officer tear the seat nor tore it himself. Also, that he had not smelled marijuana in the car or on Mr. Bundy's breath.

This ended the State's rebuttal and some stipulations were made by the attorneys including the fact that The Towering Inferno was playing at a local theater at the time of the stop, August 16th.

Judge Hanson stated he would place no time limitations on closing arguments and court was recessed for the day.

February 27, 1976: Court convened at 10:00 a.m. Mr. Yocum summed the case for the State. He used a chart to show the progress of the case as it had developed. It was one of the better arguments this writer has seen in support of proving the case, "beyond a reasonable doubt." Mr. Yocum started, stating we were looking for "100% of the male population. This was narrowed to some 43% who have type O blood. This was further narrowed by the fact the police were looking for a U.S. white male, with dark hair, weighing approximately 160-170#. This further narrowed to a U.S. white male, with type O blood, 165-170#, with dark hair, driving a Volkswagon." (This argument continued on with seat tear, color of vehicle, etc. and concluded with a small reasonable doubt. At this point, Mr. Yocum drew an arrow to the line of reasonable doubt and stated, "and then we have an eyewitness!" Following is a copy of the chart Mr. Yocum drew:



Mr. Yocum went on to describe the eyewitness as shy, hard-working, conscientious and very positive about her final identification, stating she had observed the defendant between ten and fifteen minutes under conditions ranging from normal to traumatic.

Closing argument for the Defense:

Mr. O'Connell spoke for two hours stressing the following points presented in outline form:

- I - Presumption of innocence.
- II - Power of the State
 - A. - The use of resources to the fullest extent
 - 1. Bank records
 - 2. Gas receipts
 - 3. Telephone records
- III - Lack of results from evidence sent to the F.B.I.
- IV - The fact that Murray Police Dept. had not moved on the case (even though they had primary jurisdiction) until Salt Lake City Sheriff's
- V - Why did Thompson show photos of Volkswagon before showing Carol DeRonch Bundy's picture? To suggest that it was Bundy?
- VI - C.D.'s I.D. of car included plate that was not in picture. (Memory transfer)
- VII - One officer who was at August 16th search did not testify.
- VIII - Made I.D. of car because she, "was supposed to".

Rebuttal by Yocum:

- I - O'Connell's attack on law enforcement
 - A. - Respect for agencies
 - B. - County Attorney Yocum was a part of the investigation
- II - In answer to making evidence fit, receipts show he was in the area.

SALT LAKE CITY TRIBUNE 2/24/76

Alleged Kidnap Victim Testifies, Trial for Bundy Begins in S.L.

By Wilf Cannon
Tribune Staff Writer

The first day of the kidnap trial of Theodore R. Bundy ended Monday with the alleged victim, voice cracking with emotion, describing how she was abducted on Nov. 8, 1974.

Bundy, 29, waived his right to a jury trial and the case is being heard solely by 3rd District Court Judge Stewart M. Hanson Jr.

The kidnap victim, Carol DaRonch, now 19, took the stand as a prosecution witness after a lunch recess.

The willowy brunette, under direct examination by Deputy Salt Lake County David E. Yocom, described how a man approached her as she was shopping at Fashion Place Mall, 6100 S. State, Murray.

Packed Courtroom

At times tearful, Miss DaRonch told the packed courtroom her assailant asked what her license number was. When she told him, he said someone had been caught attempting to break into her car at the parking lot.

She accompanied the man and found nothing missing from her car.

Mr. Yocom asked whether that man was in the courtroom. Her voice broke for a moment then she clearly identified Bundy as the man.

As Mr. Yocom's questioning continued, Miss DaRonch, who was 18, when the incident occurred, said the

"I kept screaming, fighting and scratching," testified Carol DaRonch, 19, as she related details of her abduction while testifying at the kidnap trial of Theodore R. Bundy.

man eventually asked her if she would accompany him to a police station to sign a complaint against a man caught breaking in her car.

Flashed Badge

She said she complied only after the man flashed a badge at her.

In the passenger side of the man's Volkswagen, she rode up 6100 South to 300 East where the man turned left. When the car reached 5100 South, she said, he pulled the car over.

Miss DaRonch said she then asked the man what he was doing. He didn't reply, but he grabbed her left arm and attached one side of a pair of handcuffs.

Simultaneously, she testified, she reached for the door handle and opened the door.

Bundy sat relaxed during her testimony.

As she struggled from the car, her

assailant followed her out the passenger side of the vehicle.

'Kept Screaming'

Miss DaRonch said, "I kept screaming, fighting and scratching," until she had wrenched herself free. She then flagged down an oncoming motorist. She got into that car and was taken to the Murray City Police Station.

John D. O'Connell, attorney for the former University of Utah law student, fired questions at Miss DaRonch during cross examination in apparent attempts to shatter her credibility.

The defense attorney claimed numerous discrepancies in the girl's past and present testimony.

He cited differences in her testimony during a preliminary hearing. Miss DaRonch appeared calm each time as she replied, "I don't know" to Mr.

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Trial for Bundy Under Way, Hears Woman

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O'Connell's questions.

Mr. O'Connell brought out direct differences in Miss DaRonch's testimony concerning a description of the badge her assailant showed her.

During a preliminary hearing she said the badge was gold and silver or blue and silver, Mr. O'Connell said, quoting from a transcript of that hearing held before Salt Lake City Judge Paul G. Grant last December.

Monday, she described the badge as silver and oval.

"Why the difference in your testimony?" Mr. O'Connell asked. Smiling, Miss DaRonch replied, "I don't know."

During the preliminary hearing, she said she didn't scratch her assailant, Mr. O'Connell continued. "I don't remember," the witness said.

Moustache Issue

Three separate times, Miss DaRonch decided her attacker first did, then didn't and then did have a moustache. Monday, she said she didn't remember what she'd said about moustaches.

During morning court action, after Bundy personally waived his right to a jury trial, attorneys each made hour-long opening statements.

Mr. Yocom outlined his case, using Miss DaRonch's description of her ordeal which eventually led to her identification of Bundy.

He told of lawmen's search of Bundy's car and dwelling. Lawmen found a different pair of handcuffs in Bundy's car and the vehicle matched the description of the one they were searching for.

'Knew Immediately'

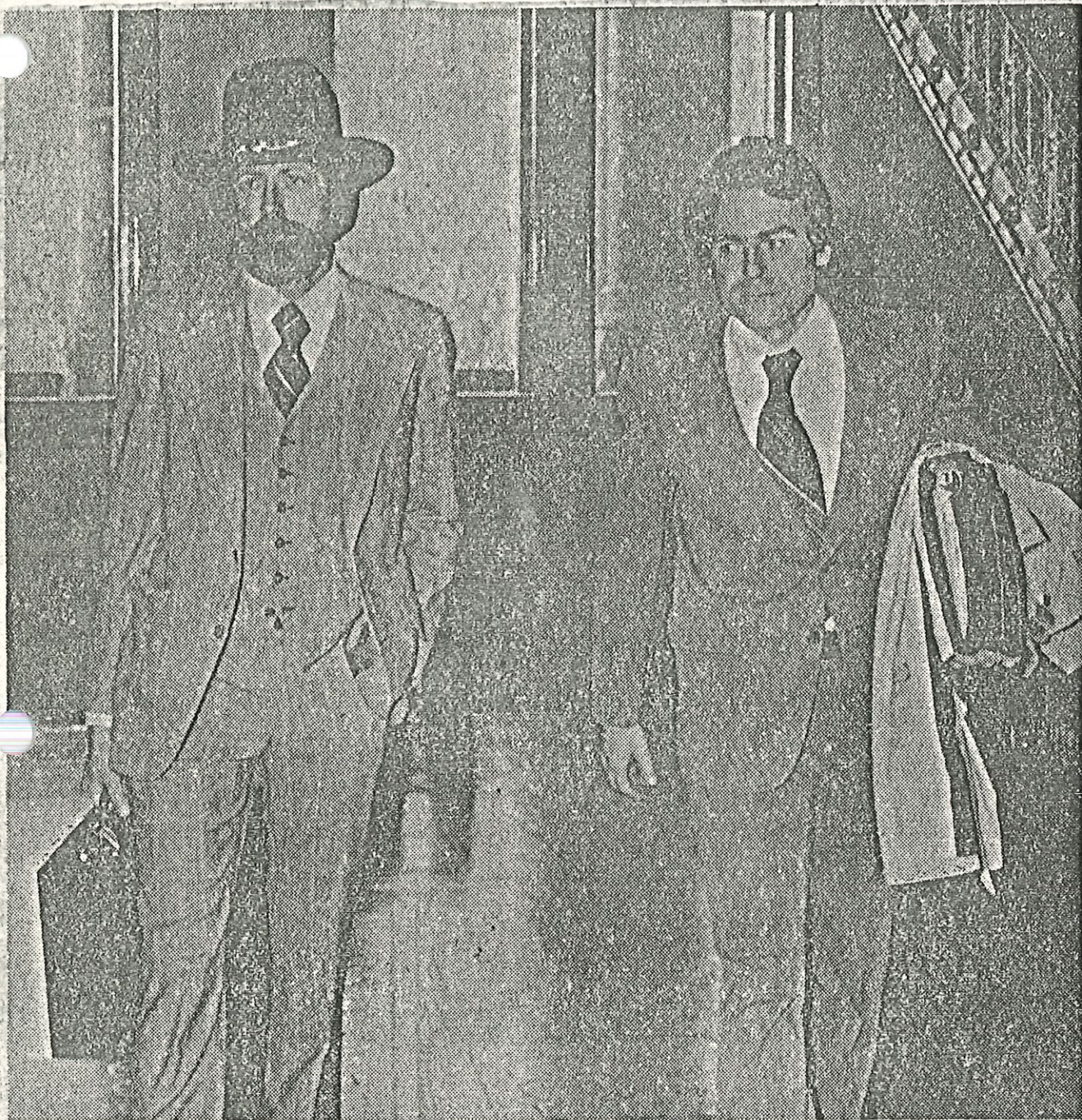
"Carol DaRonch will say she knew immediately which man was the one who abducted her," he concluded.

Mr. O'Connell opened, saying the trial outcome would be "anticlimactic," and that the state's case is "a lot of smoke, but no fire."

He contended that law enforcement personnel, after Bundy was arrested on a different matter in August, 1975, "pressured" Miss DaRonch into making the eyewitness identification.

He said the victim "committed" herself on the issue of Bundy's car and was likely afraid to admit she might be wrong.

The case continues Tuesday at 9 a.m. before Judge Hanson.



Theodore R. Bundy, right, and his attorney, John D. O'Connell, enter the Salt Lake Metropolitan

Hall of Justice Monday to begin Bundy's trial before 3rd District Judge Steward M. Hanson Jr.

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Handcuffs, Crowbar Cited in Kidnap Testimony

Continued From Page B-1

objected to Sgt. Hayward's testimony on grounds it was irrelevant. The handcuffs were of a different brand than the handcuffs recovered after Miss DaRonch's alleged abduction and it was unfair to say Bundy handcuffed Miss DaRonch just because Bundy had handcuffs in his car, Mr. O'Connell said.

After both sides argued the issue, Judge Hanson ruled the issue should be aired and allowed the sergeant to testify.

Prosecutors had argued that Bundy's youthfulness, the fact he drove a Volkswagen similar to the one Miss DaRonch had described and that his car contained the handcuffs as well as a crowbar were sufficient reasons to link him to the abduction.

Monday, Miss DaRonch testified she was handcuffed by a man driving a light-colored Volkswagen who also threatened her with a crowbar and a gun.

Salt Lake County Sheriff's Detective Jerry Thompson told the court he first encountered Bundy Aug. 21 when the defendant consented to let the lawman

search his apartment at 565-1st Ave.

Under examination by Mr. Yocom, Det. Thompson said he noticed two or three pairs of "shiny shoes" in Bundy's closet.

Miss DaRonch said Monday her abductor wore shiny patent leather shoes.

The sheriff's detective also said he showed Miss DaRonch 27 pictures and she eventually picked out Bundy's as resembling her assailant.

Under cross examination by Mr. O'Connell, the detective was asked about his questioning of the victim when she was shown the pictures.

Witness Testimony

Miss DaRonch said Monday she "didn't know" why she put Bundy's picture aside at the time.

Mr. O'Connell earlier had criticized detectives for their handling of that incident. He said it was possible the lawmen had unduly influenced the girl to pick Bundy's picture.

Tuesday, Det. Thompson said he didn't remember the exact words used by Miss DaRonch when she picked

Bundy's picture.

The detective said he was the one who showed Miss DaRonch pictures of Bundy's car and she said it resembled the car her abductor drove.

"Don't you think it was unbelievable she could identify the car 10 months later?" Mr. O'Connell asked the detective.

"No," he replied.

The defense attorney also questioned Det. Thompson's seeking a search warrant for Bundy's car after it had already been searched.

That search warrant alleged the detective was looking for a gun and Miss DaRonch's purse and wallet.

The detective said Bundy was a "good" suspect in the kidnapping incident, so he thought the search warrant was a valid avenue of recourse.

Under further questioning, Det. Thompson said the "shiny shoes" examination was actually connected to a Bountiful case, but he did not elaborate.

During the morning, Mr. and Mrs. Wilbur F. Walsh, Murray, testified that they first met Miss DaRonch when she

ran in front of their car after escaping from her alleged abductor.

The couple said they were fearful at first the girl might be dangerous or an escapee since she had a handcuff on one arm. They took the hysterical girl to the Murray City Police Department where lawmen heard her story.

The final witness Tuesday was Margaret Maughn, who was Bundy's neighbor at 565-1st Ave. She told the court she remembered a tear in the backseat of Bundy's car.

Miss DaRonch said the backseat of her assailant's car was torn.

Query on Shoes

Mr. O'Connell asked her if Bundy ever wore shiny, patent leather shoes.

"No," she said.

Mr. Yocom indicated he would finish his list of prosecution witnesses Wednesday, when the case continues in Room 310 of the Salt Lake City-County Building.

Bundy is expected to take the stand in his own defense as part of Mr. O'Connell's presentation.

Bundy Case Reveals Handcuffs

By Wilf Cannon
Tribune Staff Writer

Handcuffs and a crowbar were found in Theodore R. Bundy's car, a 3rd District Court judge was told Tuesday during the second day of Bundy's trial on kidnapping charges.

Under examination by Deputy Salt Lake County Atty. David E. Yocom, Utah Highway Patrol Sgt. Robert Hayward said he stopped Bundy Aug. 16, 1975. Subsequently, the handcuffs were discovered in the trunk of the defendant's Volkswagen and the crowbar behind the front seat, he testified.

Bundy, 29, is on trial before Judge Stewart M. Hanson Jr., who will decide the case since Bundy waived his right to a jury trial. He is charged with kidnapping Carol DaRonch on Nov. 8, 1974.

John D. O'Connell, defense attorney,
See Page B-6, Column 1

By Will Cannon
Tribune Staff Writer

The prosecution rested its case Wednesday in the 3rd District Court kidnapping trial against Theodore R. Bundy, and his lawyers laid the groundwork of his defense.

When Deputy Salt Lake County Attorney David E. Yocom rested the state's case, Bundy's attorney, John D. O'Connell, asked the judge to reduce the aggravated kidnapping charge to one of simple kidnapping.

Bundy Objects

The case is being heard solely by 3rd District Judge Stewart M. Hanson Jr. since the defendant waived his right to a jury when the trial opened Monday.

Mr. O'Connell told the judge he was making the motion to reduce over the objection of his client. Bundy objected to the reduced charge motion since he contends he is completely innocent of any wrongdoing. Judge Hanson took the motion under advisement.

Bundy is charged with the Nov. 8, 1974 abduction of Carol DaRonch, then 18, from a Murray shopping mall. She testified Monday that her abductor put one handcuff on her and threatened her with a gun and crowbar before she was able to escape.

The first defense witness Wednesday was Dr. Elizabeth Loftus, an expert in the psychology of eyewitness identification problems.

Mr. O'Connell brought her from Cambridge, Mass., where she is a visiting professor at Harvard.

Tries to Refute Testimony

Her testimony was designed to refute the fact that Miss DaRonch picked Bundy from a lineup and also identified his picture on two different occasions.

Dr. Loftus told the court of what she said were generally accepted theories which say the human memory doesn't work like a tape recorder. People are "not passive receptors," Dr. Loftus said.

She explained why Miss DaRonch had difficulty describing the police badge which her assailant flashed at her the night of the kidnapping.

"It appears the victim (Miss DaRonch) integrated badge colors from other badges she viewed that night," the doctor of philosophy in psychology said.

Not Sure of Color

Miss DaRonch testified on Monday that she was never quite sure just what color the assailant's badge was.

Mr. O'Connell earlier had criticized techniques used by lawmen in questioning Miss DaRonch about the incident. He said suggestive influence may have been used to compel the victim to identify Bundy.

Dr. Loftus described "suggestive questioning," saying it definitely affected the eventual information gathered.

During cross examination, Mr. Yocom asked her whether experiments she cited involved persons who were not victims of crimes.

Dr. Loftus said all the persons were involved in purely experimental incidents.

Judge Questions

Judge Hanson asked Dr. Loftus if an actual crime victim would undergo psychological damage.

She replied that a sudden violent event would definitely increase the person's chance of misinterpreting the event.

However, the judge then asked if perception (referring to the

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Lesser Charge Sought

Prosecution Rests Case, Bundy Defense Begins

Continued From Page B-1

fact that Miss DaRonch spent several minutes with her abductor before she knew what was actually happening) would be affected by the eventual stress.

Dr. Loftus answered that the longer one has to see something, the easier that thing is to remember.

Calls Investigator

Mr. O'Connell called Edward M. Barton, an investigator for the Salt Lake Legal Defender's Assn., to testify concerning the police use of lineups.

Mr. Barton said misidentifications occur in lineups with some frequency.

He also said there is inherent danger in showing a victim two pictures of the same suspect since the viewer might be unduly persuaded to pick the wrong person.

Tear Common

Miss DaRonch testified she was shown pictures of Bundy on two different occasions.

Bruce Lubeck, Bundy's co-counsel,

then called Bill Gord, who runs a car upholstery service. Mr. Gord told the court that tears in the backseats of Volkswagens are very common.

Miss DaRonch testified earlier that her assailant's Volkswagen had a tear in the backseat.

Then Mr. Lubeck called three friends of Bundy's.

Mr. and Mrs. James H. Dunn, who lived next door to the defendant, testified that Bundy never wore or even owned any shiny, patent leather shoes.

A former girl friend, Ann Swenson, also told the court, she was sure he never wore such shoes.

Wore Shiny Shoes

After her abduction, Miss DaRonch told officers her kidnaper wore shiny patent leather shoes.

The case will continue Thursday and Bundy is scheduled to take the stand in his own defense.

Judge Hanson is hearing the case at 10 a.m. in his courtroom 310 in the Salt Lake City-County Building.

Judge Weighing Bundy's Fate As Trial Ends

By Wilf Cannon
Tribune Staff Writer

Whether Theodore R. Bundy is guilty or innocent of kidnaping Carol DaRonch Nov. 8, 1974 rested with 3rd District Court Judge Stewart M. Hanson Jr. Friday as the five-day trial ended.

After hearing four straight hours of closing arguments, Judge Hanson read aloud the jury instructions which normally would be given to jurors. The defendant, on the first day of his trial, waived his constitutional right to a jury.

Under Advisement

Judge Hanson took the case under advisement and told attorneys he would notify them of his decision. He did not specify a time or date.

Deputy Salt Lake County Attorney David E. Yocom, who has prosecuted the case since Monday, began his closing arguments using a chart to illustrate the case against Bundy.

The 29-year-old former University of Utah law student was charged last October with abducting Miss DaRonch, then 17, from the Fashion Place Mall in Murray on Nov. 8, 1974.

In a point-by-point recital, Mr. Yocom told the court Bundy fit all facets of the crime.

'Fit Description'

He fit the description given to police by Miss DaRonch, he drove the right kind of car, he had no real alibi for the night of Nov. 8 and lastly he was found Aug. 16 with a crow bar and handcuffs in his Volkswagen.

Refuting defense testimony by Harvard University's Dr. Elizabeth Loftus, an expert witness in the psychology of eyewitness identification, Mr. Yocom said Miss DaRonch was "a real-crime victim," not a "test tube victim."

He said the physical evidence supports Miss DaRonch's claims that she was handcuffed on one arm as well as threatened with a crow bar and gun.

"She had plenty of time to see his face and reason to remember him," Mr. Yocom said.

Simulates Incident

The prosecutor then sat in his counsel chair in the middle of the courtroom to simulate how the abductor eventually used his right hand to hold the crow bar and threaten Miss DaRonch. Defense Attorney John D. O'Connell said earlier his client was left-handed and wouldn't have used his right hand.

Mr. Yocom's final statement before Mr. O'Connell began was, "I feel the evidence has shown beyond a reasonable doubt that Theodore Robert Bundy is guilty."

Mr. O'Connell compared his client's case to such theories as the Bermuda Triangle and the recent cattle mutilations.

He said when one hears only rumors about such theories, they sound valid. "But if you apply the evidence you must conclude there is a reasonable doubt," he said.

How to Act?

Mr. O'Connell asked how a person, accused of what his client is accused of, is supposed to act.

"How do you act if everyone thinks you're a monster?" he said.

When Bundy's niece, people say it's just a front, when he's not, the press labels him as "nervous," the defense attorney said.

He described Bundy as "a young man trying to get ahead in the world" and implored the judge "to try to overcome the emotional aspects" of the case.

Mr. O'Connell said police handling of investigations in the case was, at times, "questionable."

Pick 'Right' Man

He said previously that when Miss DaRonch was shown pictures of Bundy, she may have been "suggestively questioned" to induce her to pick the "right" man.

He reiterated those ideas Friday and cited specific instances when Miss

DaRonch viewed 27 photographs and said her abductor was not among them.

However, she did put one of the photos aside and under questioning by Salt Lake County Sheriff's Detective Jerry Thompson, Mr. O'Connell said she may have been "persuaded" to identify Bundy as the kidnaper.

Mr. O'Connell said police became so convinced that Bundy was guilty, their

See Page B-8, Column 1

Judge Weighing Outcome Of Bundy Kidnap Trial

Continued from Page B-1

fervor rubbed off on Miss DaRonch and she became "committed" to their viewpoint.

Detective Thompson had "the zeal of a true believer," the defense attorney said.

Didn't Seek Lineup

Lawmen, he said, had all their evidence in the case by the time Miss DaRonch identified two different pictures of Bundy. "But still they didn't seek a lineup," he said.

Miss DaRonch was taken to the Avenues area of Salt Lake City in attempts to see Bundy's car and she was taken to the university law school to try and see Bundy.

She must have associated in her own mind the heavy amount of police work and the potential "hot suspect," Mr. O'Connell said.

When a lineup finally happened in October, she knew the "hot suspect" would be there, he said, adding that the others in that lineup didn't even look like Bundy.

"Everyone (involved in the case) was motivated by the best of intentions," Mr. O'Connell said, "But the outcome is causing a horrible mistake."

No Badge, Gun

Mr. O'Connell questioned why Bundy should be found guilty if police found no wallet with a badge and no gun.

Miss DaRonch said her assailant produced a badge to persuade her to leave with him in his car and then threatened her with a gun and a crow bar.

Concerning an Aug. 16 incident, when Bundy was arrested at 2:30 a.m. in Granger and ultimately charged with possession of burglary tools and evading an officer, Mr. O'Connell said

Bundy panicked at the time because he had been smoking marijuana.

"People panic all the time," he said, "and they lie to police all the time, too."

At the time, Bundy lied to officers, telling them he had been to a movie in the area.

Bundy's Story

Mr. O'Connell said if the court can't accept Bundy's story about the incident, it still does not make him a kidnaper.

He noted Bundy's cool demeanor throughout the five day proceedings. "The fact that this guy hasn't gone over the edge is testimony to his innocence," he said.

He concluded, saying, "The simple explanation is the state has failed to meet the burden of proof."

He asked the court to do its duty and find his client innocent.

Mr. Yocom, in his rebuttal, attacked Mr. O'Connell's statements concerning the police work surrounding the case.

"There were many, many points when the defendant could have been eliminated as a suspect," he said, but good police work narrowed the list down to one man, Bundy.

He said it is strange "a man proclaiming his innocence would act so guilty."

In Bundy's Place

Mr. Yocom said if he had been in Bundy's place, he would have gladly revealed any and all information police wanted to know.

The fact that Bundy lied to police about his presence in Granger Aug. 16 and then even lied to his own attorney up until a few weeks ago, illustrates his reluctance to tell the truth, Mr. Yocom said.

Bundy said he lied because he feared for his reputation should his family and friends find out he smoked marijuana.

"I think there is another explanation," Mr. Yocom said. "He didn't tell the truth because he hadn't made it up yet."

Of Bundy's presence in Granger, Mr. Yocom termed it "trolling," a word used by police for assailants looking for victims.

He asked Judge Hanson to "deliberate long and hard because it's important to Mr. Bundy and the state."

Bundy on Stand In Finale

Both Sides End Presentations

By Wilf Cannon

Tribune Staff Writer

Accused kidnaper Theodore R. Bundy took the witness stand Thursday in his own defense and denied any involvement in the Nov. 8, 1974, abduction of Carol DaRonch.

Both the defense and prosecution rested Thursday afternoon as respective attorneys announced they had no further evidence or testimony to submit.

The issue will go to 3rd District Court Judge Stewart M. Hanson Jr. Friday after closing arguments, scheduled to begin at 10 a.m.

Bundy, 29, appeared a little nervous and annoyed during cross-examination by Deputy Salt Lake County Attorney David E. Yocom, who sought to discredit the defendant's credibility.

The former University of Utah law student is accused of kidnaping Miss DaRonch, then 17, from the Fashion Place Mall.

Who's Telling Truth?

The issue is expected to boil down to whether Bundy is telling the truth about never having seen Miss DaRonch until he was charged or if the victim is correct in her eyewitness identification of Bundy as her abductor.

John D. O'Connell, chief defense attorney, called his client to the stand at 10:30 a.m.

Bundy told the packed courtroom that he attempted to reconstruct his activities for the night of Nov. 8, 1974. Citing cancelled checks and other records, he said he went to the Cottonwood Mall that day to look for clothes.

He said his Volkswagen broke down while he was there and was repaired at a nearby service station. Mr. O'Connell introduced a cancelled check for \$2.50 dated Nov. 8 and made out to the Cottonwood Mall Texaco station.

"I suppose I had dinner," Bundy said, after describing how his car was fixed and he said he drove it home to 565-1st Ave.

Trolley Square Movie

Mr. O'Connell asked what he did next. "I'm not going to try and fool anybody," the defendant said. "I think I went to a movie at Trolley Square."

He went to a tavern at the same location, according to his testimony.

He then denied having been at Fashion Place on Nov. 8.

Miss DaRonch testified during the first day of trial Monday that her assailant had a mustache and put a handcuff on one of her arms before she was able to escape.

She said the man lured her to his car by showing a badge after he told her he was a police officer investigating a thief who tried to break into her car while it was parked at Fashion Place.

No Gun, No Badge

Thursday, Bundy testified he never owned a gun, which the kidnaper had, or a badge.

Mr. O'Connell asked Bundy if he ever wore a fake mustache in fall of 1974. "No," was the reply.

On Aug. 16, Bundy was pulled over by Utah Highway Patrol Sgt. Robert Hayward in Granger. At that time, lawmen searched the defendant's Volkswagen and found a pair of handcuffs.

Bundy testified Thursday he found the handcuffs in a box of "junk," while moving things for his landlord.

Mr. O'Connell, in a move to clarify Bundy's presence Aug. 16 at 2:30 a.m. in Granger, asked the defendant to reconstruct the events leading to his arrest that morning.

Bundy said he had gone home from his job as a night watchman at the University of Utah about 11 p.m.

Smoked Marijuana

He said he took a bath and smoked some marijuana.

Then he said he drove his car to the

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B 4 The Salt Lake Tribune, Friday, February 27, 1976

Both Sides Rest Case in Bundy Trial, Close

Arguments Today

Continued From Page B-1

area of Highland High School in hope a girlfriend of his might be awake.

But her house lights were all turned out so he "started driving west."

He testified he really didn't know where he was when he decided to pull off a side street to smoke some more marijuana.

At this time, Sgt. Hayward began pursuit of Bundy's car. Bundy said he became paranoid and started fleeing from the unmarked police car while at the same time throwing out any remaining marijuana in his car.

Admits Lying

When he was finally stopped, he testified he lied to police, saying he had been to a movie in the area.

Lawmen, however, arrested him for fleeing and possession of burglary tools. Found in his car was a crow bar, which police later alleged was used to threaten Miss DaRonch the night she

During cross examination, Mr. Yocom asked Bundy why he continued to lie about his presence in Granger even after he knew he was being investigated for something more serious.

Bundy said he even lied to his attorney until a few weeks ago because he was extremely embarrassed about admitting his involvement with marijuana.

Mr. Yocom asked if Bundy didn't realize, as a law student, that charges of fleeing and possession of burglary tools were much more serious than a marijuana charge.

Faced Choice?

"You felt it would be better to take the rap for burglary tools and evading than to say why you were there (in Granger)?" Mr. Yocom asked.

"Yes, I guess so," was the reply.

Under examination by Mr. O'Connell, Bundy said his car was definitely not running well Nov. 8 and cited the gas

Mr. Yocom, during cross examination, produced numerous gas station credit card receipts bearing the defendant's signature.

Using those receipts, which Judge Hanson later received into evidence over Mr. O'Connell's objection, Mr. Yocom proved Bundy bought gasoline Nov. 8 and used his credit card.

Topped Off Tank

It was not revealed where he bought the gasoline, but Mr. Yocom established Bundy received 6.4 gallons and "topped off the gasoline tank," Bundy agreed.

Mr. Yocom asked if, on the night of Nov. 8, after having visited the tavern in Trolley Square, Bundy's breath may have smelled of alcohol. "I suppose so," was the answer.

The prosecutor asked what movie Bundy saw and he told him.

"I wouldn't tell you anything that wasn't true," Bundy responded on his own.

"But you did lie to the police in

August?" Mr. Yocom asked. "Yes," Bundy replied.

Political Spy?

Mr. Yocom then contended that Bundy had, indeed, worn a false mustache to spy on other candidates when he worked on Washington Gov. Dan Evans' campaign.

Mr. O'Connell objected, but Bundy answered that he never wore a mustache and never spied on any candidates.

"Did you ever make the statement, 'I like virgins and I can get them anytime'?" Mr. Yocom asked.

"No," Bundy said.

The defendant said he may have made another statement, "There's no difference between right and wrong," but that Mr. Yocom took the words out of context. Bundy said the words do not reflect his opinion.

Large Crowds

Following a lunch recess, extra court balliffs had to be called to regulate the crowd gathered outside Judge Hanson's

courtroom in the Salt Lake City-County Building.

Mr. Yocom continued his questioning of the defendant.

"Did you ever go to Fashion Place Mall?" he asked.

"Yes, I've been there," Bundy replied.

After further questioning, Bundy admitted he may have been at the mall in the fall of 1974, but not on Nov. 8.

Bundy's testimony concluded at 3 p.m. and Mr. O'Connell rested his case.

Mr. Yocom reopened his case with two witnesses, Mr. and Mrs. Charles E. Shear, who lived across the hall from Bundy at 565-1st Ave. during the summer of 1975.

Wore Shiny Shoes

The couple testified individually that they saw Bundy wearing black, shiny patent leather shoes several . . . times that summer.

Miss DaRonch said, during her testimony, her abductor wore such shoes.

Wednesday, different former neighbors of Bundy said they never saw him wear such shoes.

Mr. O'Connell, during cross examination of Mr. Shear, showed the witness the black shoes Bundy was wearing in court.

"Are these the shoes?" he asked.

"No, the shoes were shiny plastic looking and I remember them because I don't like those kind of shoes," Mr. Shear replied.

Mr. Yocom then recalled three lawmen present at Bundy's Aug. 16 arrest in Granger.

Each said there was no evidence of marijuana or marijuana smoke on Bundy or in his car when he was stopped.